

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #1	CCRB Case #: 202005994	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 7:45 PM, Thursday, 06/04/2020 8:30 PM	Location of Incident: East 136th Street and Brook Avenue; East 136th Street and Brown Place	Precinct: 40	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Thu, 09/03/2020 9:52 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 09/03/2020 9:52 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brian Destefano	7166	954727	040 DET
2. POM Niazul Haque	03002	943349	040 PCT
3. POM Julio Veras	18693	959343	SRG 2
4. CPT Isaac Soberal	00000	943830	040 PCT
5. POM Casean Murray	09941	955243	SRG 2
6. COD Terence Monahan	00000	876747	CD OFF
7. POM Angel Balabanov	03452	966456	040 PCT
8. POM Leonel Giron	21368	959658	SRG 1
9. POM Stephen Centore	31854	936328	DIS CTL
10. POM Manuel Bordoy	00323	948686	SRG 2
11. POM Beau Fesmire	31913	954806	DIS CTL
12. POM Kendall Austin	04447	950032	SRG 2
13. POM Eduardo Mejia	10215	960929	SRG 1
14. POM Anthony Perez	13493	952104	SRG 1
15. PO John O'Niel	10463	959001	SRG 1
16. PO Rdolph Rosado	09497	949910	DIS CTL
17. POM Thomas Pecorella	09542	947959	DIS CTL
18. POM Paul Rau	28460	944156	SRG 2
19. POM Matthew Obrien	19663	937549	DIS CTL
20. POM Thomas Mosher	02905	949371	SRG 2
21. POM Mauricio Thomas	26957	945466	SRG 2
22. SGT Sindy Sanchez	00546	939761	SRG 2
23. POM Xavier Morales	27790	941087	DIS CTL

Witness Officer(s)	Shield No	Tax No	Cmd Name
24. POM Michael Sheehan	09074	951242	040 PCT
25. POM Dennis Gannon	23133	947015	SRG 2
26. POM Jorge Santiago	22110	958054	SRG 2
27. POM Bryan Wilson	10392	942712	SRG 2
28. POM Anthony Polanco	11613	951068	SRG 2
29. SGT Christophe Zappoli	00646	940887	SRG 2
30. POM Harry Kerr	22551	962522	SRG 2
31. POM Manuel Gutierrez	15714	948589	PBBX
32. CPT Joseph Taylor	00000	924542	SRG 3
33. SGT Iran Lopezmaceda	01652	928666	SRG 2
34. LT Adam Mellusi	00000	931825	SRG 2
35. POM Omar Tejada	11809	956296	SRG 2
36. POM Joel Martinez	15116	950829	044 PCT
37. POM Erik Green	27395	936697	DIS CTL
38. LT Christophe Catalano	00000	936323	109 PCT
39. PO Kenneth Scarola	18017	937503	SRG 1
40. POM Joseph Petrino	22377	951051	SRG 2
41. POM Gregory Reisert	14672	957077	SRG 1
42. POM Jarvis Onabanjo	20933	959010	SRG 1
43. POM Granit Shaba	21077	963269	SRG 1
44. POM Hugo Batista	02386	952449	SRG 2
45. POM Michael Ashford	04887	954506	SRG 2
46. POM Jason Brown	25414	950109	DIS CTL
47. POM Derek Bruno	16445	952504	SRG 2
48. SGT Steven Counihan	04669	952620	PSA 7
49. DC John Dadamo	00000	913627	SRG
50. LSA Eric Dym	00000	933762	PSA 7
51. POM Orvin Feliciano	22257	942855	SRG 2
52. AC Kenneth Lehr	00000	891719	PBBX
53. POM Malik Mccloud	30082	954114	040 PCT
54. POM John Migliaccio	25698	964169	PSA 7
55. CPT David Miller	00000	911741	DIS CTL
56. POM Sylburn Peterkin	04259	967648	PSA 7
57. POM Nicholas Rios	06583	955377	PSA 7
58. POM Antony Stevens	25283	935789	SRG 4
59. PO Stephen Kuo	23023	933903	DBQN
60. LT Ischaler Grant	00000	897595	SRG 4
61. POM Michael Deluna	01491	956581	PSA 7
62. POM Paul Basilone	25110	948304	PSA 7
63. POM Vincent Ciccolella	20819	958409	PSA 2
64. SGT Kenneth Rice	04867	952164	LEG BUR
65. LT Joel Witriol	00000	942838	PSA 7
66. POM Edward Weisenburger	18143	952338	SRG 1

Witness Officer(s)	Shield No	Tax No	Cmd Name
67. POM Edgar Espinal	01190	963503	025 PCT
68. POM Yoeldy Espinal	02470	963505	040 PCT
69. PO ANDREW MANGOLD	17412	969932	TD 1
70. PO RAFAEL MELENDEZ	30529	965332	030 PCT
71. CPT GZIM PALAJ	00000	946091	122 PCT
72. PO CHRISTOPHER BORJA	26858	953693	SRG 04
73. PO ARMANDO RIVAS	02833	931926	SRG 2
74. PO FRANZ ZABALA	08624	939730	SRG 1
75. PO JASON CIOTA	01410	951615	SRG 3
76. PO JOSEPH DECK	08350	947736	SRG 1
77. PO DENNIS USTELIMOV	13541	957238	SRG 3
78. PO DEBORA MATIAS	08448	960901	SRG 1
79. PO JUNIOR RODRIGUEZ	08909	939345	SRG 1
80. PO DEREK BURGOS	21798	959520	SRG 1
81. PO SANDRA GONZALEZ	14838	961793	SRG 2
82. SGT WILLIE BRIGGS	00362	933555	040 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: At East 136th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b)	
B. An officer	Force: At East 136th Street and Brook Avenue in the Bronx, an officer struck an individual with a baton.	
C. An officer	Force: At East 136th Street and Brook Avenue in the Bronx, an officer used physical force against an individual	
D. An officer	Force: At East 136th Street and Brook Avenue in the Bronx, an officer struck § 87(2)(b) with a baton.	
E. An officer	Force: At East 136th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b)	
F. An officer	Abuse: At East 136th Street and Brook Avenue in the Bronx, an officer threatened to arrest § 87(2)(b)	
G. An officer	Abuse: At East 136th Street and Brook Avenue in the Bronx, an officer threatened to arrest individuals.	
H. Officers	Force: At East 136th Street and Brown Place in the Bronx, officers used physical force against an individual.	

Case Summary

On September 3, 2020, § 87(2)(b) filed this complaint via the CCRB website on behalf of herself, an unidentified woman, and unidentified individuals. On October 18, 2020, § 87(2)(b) filed this complaint on behalf of an unidentified man. On March 15, 2021, § 87(2)(b) filed this complaint on behalf of herself.

On June 4, 2020, at approximately 7:45 p.m., § 87(2)(b) her friend, § 87(2)(b) and approximately 200+ individuals participated in a Black Lives Matter protest march in the Bronx. At some point, in the vicinity of East 136th Street and Brook Avenue, several NYPD officers surrounded the protestors and began making arrests. An officer used physical force against § 87(2)(b) an unidentified woman, and § 87(2)(b) (**Allegations A through E: Force, § 87(2)(g)**). An officer threatened to arrest § 87(2)(b) and a group of unidentified individuals (**Allegations F and G: Abuse of Authority, § 87(2)(g)**). At East 136th Street and Brown Place in the Bronx, officers used physical force against an unidentified male (**Allegation H: Force, § 87(2)(g)**).

§ 87(2)(b) and § 87(2)(b) received summonses as a result of this incident, but all the summonses were dismissed (Board Review 01).

Forty-four (44) cellphone videos, twenty-four (24) commercial surveillance camera videos, twenty-four (24) TARU videos, and over one hundred (100+) police body worn camera (BWC) videos, were received for this incident (Board Review 50 – Board Review 83).

This case involves allegations of kettling and other concerted enforcement actions performed under the command and supervision of the then NYPD Chief of Department (COD) Terrance Monahan and Assistant Chief (AC) Kenneth Lehr. These investigations are being addressed in CCRB case 202006855.

Pleading Language for all allegations to be closed as officer unidentified

Allegation (A) Force: At East 136th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b)

Allegation (B) Force: At East 136th Street and Brook Avenue in the Bronx, an officer struck § 87(2)(b) with a baton.

Allegation (C) Force: At East 136th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b)

Allegation (D) Force: At East 136th Street and Brook Avenue in the Bronx, an officer struck § 87(2)(b) with a baton.

Allegation (E) Force: At East 136th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b)

Allegation (F) Abuse of Authority: At East 136th Street and Brook Avenue in the Bronx, an officer threatened to arrest § 87(2)(b)

Allegation (G) Abuse of Authority: At East 136th Street and Brook Avenue in the Bronx, an officer threatened to arrest individuals.

Allegation (H) Force: At East 136th Street and Brown Place in the Bronx, officers used physical force against § 87(2)(b)

Known facts and general descriptions

§ 87(2)(b) (Board Review 02) and her friend, § 87(2)(b) participated in a Black Lives Matter protest in the Bronx. § 87(2)(b) and § 87(2)(b) who are both healthcare workers and were dressed in medical scrubs, joined the protest at the meeting point, known as the Hub, at approximately 6:30 p.m., and marched with over 200 protestors, none of whom § 87(2)(b) or § 87(2)(b) knew. There was also a large group of police officers who appeared to follow the protestors. At approximately 7:30 p.m., as the protestors marched towards the intersection of East 136th Street and Brook Avenue, § 87(2)(b) and § 87(2)(b) who were somewhere towards the

back of the protest, observed officers blocking the streets and forming lines behind the protestors. At some point, the protestors all stopped marching, and appeared to have been surrounded by the police. An automated curfew message then began to play on a loudspeaker, at which point officers approached and arrested protestors. An officer, who § 87(2)(b) described as a black male in his 40s, 5'9" tall, muscular build, with a buzzed haircut, grabbed and brought § 87(2)(b)'s hand behind her back. The officer pushed § 87(2)(b) against the hood of a sedan that was in the street, and asked if she was an essential worker. § 87(2)(b) replied that she was a nurse, at which point the officer released his grip from § 87(2)(b) and ordered her to leave the location. § 87(2)(b) moved to the sidewalk. § 87(2)(b) did not sustain any injuries as a result of the actions of the black male officer, nor could she provide any additional description for him. § 87(2)(b) while on the sidewalk, saw § 87(2)(b) handcuffed and being escorted away. There was also some commotion between officers and protestors during the arrests, but § 87(2)(b) could not describe exactly what happened, except that officers appeared to be swinging their batons indiscriminately towards protestors. § 87(2)(b) saw one officer, who she only described as a 5'5" tall white man, dressed in riot gear, use his baton to strike the back of a dark-skinned woman with red-dyed hair. The officer then pushed the woman against a vehicle, brought her hands behind her back, handcuffed, and escorted her away. § 87(2)(b) did not know the unidentified woman, could not provide any additional description for the woman or the officer, nor did she know why the officer struck the woman with his baton. § 87(2)(b) remained on the sidewalk together with some other healthcare workers, none of whom § 87(2)(b) knew, and assisted protestors who needed help. At some point, an officer approached § 87(2)(b) and the other healthcare workers, and threatened to arrest them if they did not leave the location. § 87(2)(b) and the healthcare workers thus left the scene. § 87(2)(b) went to the 40th Precinct stationhouse to provide "jail support," but was arrested and summonsed for violating the Mayor's curfew (Board Review 03).

§ 87(2)(b) (Board Review 04– Board Review 05) corroborated § 87(2)(b)'s account in that officers surrounded and blocked the protestors at the intersection of East 136th Street and Brook Avenue, and made multiple arrests. § 87(2)(b) acknowledged being arrested, and said the officer who handcuffed him said § 87(2)(b) was being arrested as a protestor and was therefore not considered an essential worker. § 87(2)(b) did not observe the alleged force used against the dark-skinned woman with red-dyed hair, but said he, at some point after his arrest, observed a group of approximately five officers approach a black male in his 20s or 30s with a buzzed haircut, and riding a bicycle and who did not appear to be part of the protest. § 87(2)(b) did not know how he determined that the male was not part of the protest, except that he heard the man telling the officers that he was leaving. The officers, none of whom § 87(2)(b) could describe, grabbed the black male, lifted him off his bicycle and brought him to the ground. The officers then placed their knees on the man's back, handcuffed him, and escorted him away. § 87(2)(b) did not know the man, could not provide any additional description for him, nor did he know what ultimately happened to the man.

§ 87(2)(b) (Board Review 06), identified via investigation (Board Review 07), said she and some protestors, none of whom she knew or could describe, linked arms together after the officers surrounded and blocked the protestors. At some point, officers approached and began pulling protestors from the human chain, and handcuffing them. Some of the officers also swung their batons indiscriminately towards the protestors. One of the officers, who § 87(2)(b) described as a white man in his 50s or 60s, 5'9" tall, slim build, with dark colored eyes, bald, and dressed in uniform, struck § 87(2)(b)'s left forearm with his baton. § 87(2)(b) attempted to move away from the officer to prevent any additional strikes, but she tripped as a result of the constant movement and commotion, and fell on the ground. § 87(2)(b) felt another baton strike to her shoulder while falling to the ground, but did not see who struck her because she had closed her eyes. An officer, who § 87(2)(b) could not describe, grabbed § 87(2)(b)'s hair, and tried to pull her up from the ground. She then felt what appeared to be multiple hands around her body, at which point she was handcuffed, picked up from the ground, and escorted to a section of the

street, where officers were holding a large group of arrested protestors. § 87(2)(b) could not describe any of the officer(s) who either handcuffed or escorted away from the scene of the arrest. She, however, acknowledged that the officer who ultimately issued her the summons at Queens Central Booking, identified via investigation as PO Kenneth Scarola of Strategic Response Group (SRG) 1, was not one of the officers who used force against her. § 87(2)(b)'s pedigree information did not match the description of the dark-skinned woman with red-dyed hair on whose behalf § 87(2)(b) filed the complaint (Board Review 08).

The investigation, in an attempt to identify the two alleged victims, reviewed the arrest, stop, and summons logs from the 40th Precinct and Police Service Area (PSA) 7 (Board Review 09 – Board Review 43), and the Mass Arrest Processing Log generated for the protest (Board Review 44 – Board Review 45). The documents yielded 300+ results for arrests and summonses from the incident location. A pool of approximately 144 potential victims, whose pedigree information generally matched the descriptions of the two potential alleged victims, was created (Board Review 46 – Board Review 48), and contact attempts were made to approximately 39 of the most likely victims, none of whom responded or otherwise did not identify themselves as the alleged victims in this case (Board Review 08; Board Review 49). The investigation, absent full names or additional evidence, could not further narrow down the extensive pool of potential victims, and thus exhausted all conceivable options to identify and contact the alleged victims.

BWC and other video

None of the cellphone, surveillance, or TARU videos depict any of the allegations in this case (Board Review 50 – Board Review 68), nor does the majority of the BWC footage (Board Review 72 – Board Review 83). The BWCs of police officers Julio Veras of SRG 2, John O'Neil of SRG 1, and Leonel Giron of SRG 2, however, captured portions of the incident involving § 87(2)(b) and the alleged unidentified male victim. PO Veras' BWC (Board Review 71), shows PO Veras standing at the intersection of what appears to be East 136th Street and Brook Avenue. PO Veras is on the sidewalk with a group of approximately six women, including § 87(2)(b) who is wearing blue medical scrubs, and a helmet. There are a lot of officers in the street, some of whom are dressed in riot gear, and uniformed white shirts, but none are close enough to be identified. At 01:16, an unidentified woman, dressed in what appears to be medical scrubs, is kneeling next to another woman, who is lying on her side on the sidewalk. § 87(2)(b) is standing next to the two women. At 01:32, the camera captures multiple protestors handcuffed and sitting in the middle of the street. There are multiple officers standing around the handcuffed protestors. At 01:50, § 87(2)(b) takes out her cellphone, and appears to record the protestors sitting in the streets. § 87(2)(b) complains that she is not being allowed to help the protestors in the street, who appear hurt. At 02:38, § 87(2)(b) repeatedly yells, "I am a medic. Let me in." It is unclear from the footage who, if anyone, § 87(2)(b) is speaking to. At 02:50, a group of approximately seven uniformed officers walk towards the sidewalk. None of the officers are close enough to be identified. At 02:56, one of the officers, whose face is not depicted in the footage, appears to say to § 87(2)(b) and the other civilians on the sidewalk, "You guys need to move out, or we are going to arrest you." The officer then walks away towards the street. § 87(2)(b) and the women remain on the sidewalk until PO Veras shuts off his camera at 09:44.

PO O'Neil's BWC (Board Review 70) shows PO O'Neil and multiple uniformed officers walking towards a large crowd of protestors and making arrests. At 02:27, § 87(2)(b) identified via investigation, appears in the camera frame wearing light green scrubs. § 87(2)(b) is handcuffed and is standing in the street with an officer. At 03:24, PO O'Neil and a group of officers, who all appear to be holding handcuffed protestors, walk towards the intersection of East 136th Street and Brown Place. At 21:53, a black male, wearing what appears to be a light brown shirt, dark short pants, a green backpack, and riding a bicycle appears to approach from the northbound section of Brown Place, and is riding his bicycle on the western sidewalk at the intersection of East 136th Street and Brown Place. The man then rides his bicycle into the street,

moves between officers and protestors, and appears to head east on East 136th Street. At 22:22, officers appear to stop the male at what appears to be the southeastern sidewalk of the street intersection, and someone yells, “Yo, get off the bike.” At 22:29, the officers and the male appear to be struggling, but whatever is happening is not clearly depicted given that PO O’Neill is approximately eight to 10 feet away from the officers and the black male, and there are also multiple officers and civilians in the street. At 22:32, some of the protestors in handcuffs, begin to yell, “Let him go” and “Let go of him.” PO O’Neill’s footage does not capture anything else that happens between officers and the black male on the bicycle.

PO Giron’s BWC (Board Review 69) at 18:20, shows the black male riding his bicycle towards the southeastern sidewalk of the street intersection. At 18:41, approximately five uniformed officers, none of whom are close enough to be identified, appear to be attempting to pull the black male off the bicycle. At 18:45, one of the officers appear to kick the leg of the black male. At 18:50, the protestors in the street begin to yell, “Leave him alone,” while additional officers, including two officers wearing helmets with shield numbers “3452” and “2470,” approach and stand in the street. The officer wearing the helmet with the shield number “3452,” is also wearing what appears to be a detective’s badge (Board Review 84). At 18:53, the officers struggling with the black male pull him off the bicycle, and pin him against a marked police van. The officers continue to struggle with the black male, and appear to reach for his hands. One of the officers struggling with the black male appears to be wearing a helmet with the shield number “13496” (Board Review 85). At 19:00, additional officers, none of whom are close enough to be identified, approach, and appear to assist the other officers, who continue to struggle with the black male. At 19:06, the officers appear to bring the black male to the ground. At 19:09, there appears to be multiple officers either on top of or crouched over the black male. At 19:12, the struggling stops, and officers appear to pin and hold the black male on the ground. At 19:32, PO Giron pans his camera away from the officers and the black male, and his footage does not depict anything additional between the officers and the black male.

NYPD documents reviewed

The above videos together with the 40th Precinct summons log (Board Review 09 – Board Review 43), and the Mass Arrest Processing Log (Board Review 44 – Board Review 45) establishes that there were hundreds of officers from multiple commands, including but not limited to SRG, Disorder Control Unit (DCU), Patrol Borough Bronx (PBBX), 40th Precinct, and PSA 7, on scene, but none of the Roll Calls and Detailed Rosters from these commands list any specific assignments relating to the incident location or the protest in the Bronx (Board Review 86 – Board Review 92). Additionally, none of the Threat Resistance and Injury report prepared for this incident corresponded to the two alleged unidentified victims, § 87(2)(b) or § 87(2)(b) (Board Review 93 – Board Review 94). Given the large number of officers on scene, the absence of specific police documentation of force used, lack of clear video footage, and that § 87(2)(b) and § 87(2)(b) all provided general or no descriptions of the subject officers and alleged potential victims, the investigation was unable to identify the subject officers or create a reasonable pool of potential officers.

The investigation, however, identified three officers who potentially witnessed the incident involving the alleged male victim on the bicycle. As discussed above, PO Giron’s BWC captured the shield numbers of three officers who were present at the time force was used. A CTS search revealed that shield number “3452” corresponded to Detective Kevin Stewart of the Detective Bureau Grand Larceny Division (DB GLD), shield number “2470” corresponded to PO Yoeldy Espinal of the 40th Precinct, and shield number “13496” corresponded to PO Victor Hiciano of PSA 7.

Concurrent Investigations

There are no concurrent investigations into the incident involving any of the victims or

witnesses in this case, but there are approximately twenty CCRB investigations into the protest at the incident location. Additionally, multiple Non-Governmental Organizations (NGOs), along with the NYC Department of Investigations (DOI) and the New York State Office of the Attorney General (OAG) have released public reports analyzing the NYPD's response to the protest at the incident location (Board Review 96 – Board Review 98).

Ranking Officers

As discussed in detail in CCRB case #202006855, then NYPD COD Terrance Monahan and AC Kenneth Lehr were on scene for this incident, and were by their own accounts, the highest-ranking NYPD officers on scene. AC Lehr (Board Review 99) was predominantly in charge of organizing the NYPD's response to this protest, and his statement, and that of COD Monahan (Board Review 100), combined with § 87(2)(b) and § 87(2)(b)'s descriptions of the subject officers make it clear that AC Lehr and COD Monahan did not interact with any of the alleged victims in this case.

Officers Interviewed

Detective Kevin Stewart, and Police Officers Yoeldy Espinal, Kenneth Scarola, and Victor Hiciano of PSA 7, were interviewed in relation to this incident (Board Review 101 – Board Review 104). PO Espinal of the 40th Precinct (Board Review 102) and PO Scarola of SRG 1 (Board Review 103), both said that they and officers from their respective commands, were assigned to the location in regard to the protest. Neither recalled what information, if any, was relayed to them about the protest, except that there was a large group of people violating the Citywide curfew. They also did not recall receiving any instructions about surrounding the protestors and preventing them from leaving. PO Espinal arrived on scene with his supervisor, Sergeant Willie Briggs, and some other officers from the 40th Precinct, none of whose names PO Espinal recalled, were stationed at the intersection of Brown Place and East 136th Street, and mostly provided security for the officers making arrests. PO Scarola, who also provided security for the officers making arrests, was stationed at the intersection of Brook Avenue and East 136th Street. PO Espinal and PO Scarola did not participate in the arrests of any of the protestors, did not use force against any civilian, nor did they recall observing any officers doing so. PO Scarola, at some point, was assigned to escort five protestors, including § 87(2)(b) to prisoner vans, and ultimately issued them summonses at Queens Central Booking. PO Espinal had no independent recollection of the incident involving the unidentified male with the bicycle, neither did he know nor was he able to identify any of the officers captured in the footage using force against the alleged unidentified male victim.

Det. Stewart (Board Review 101) and PO Hiciano (Board Review 104) both acknowledged that shield numbers “3452” and “13496” were their current and respective shield numbers, but denied being at the incident location at any point during this incident. Det. Stewart said he and officers from his command were assigned to a protest detail at the Barclays Center in Brooklyn, and were at that location for the duration of their tour. Det. Stewart said he had his police helmet with him on the incident date, that the shield number on the helmet that he was in possession of corresponded to the shield number he was issued when he first joined the NYPD as a police officer approximately 16 years ago. Det. Stewart's shield number changed upon his promotion to the rank of Detective, but said he was never issued a new helmet with his current shield number, and he did not know or recognize the officer in the BWC footage wearing a helmet with his current shield number.

PO Hiciano, who worked as the telephone switchboard operator for PSA 7 on the incident date, said that he had ended his tour at the time of the incident, and was nowhere near the incident location on the incident date. He did not know how his helmet came to be at the scene of the incident, said he mostly kept his helmet in his locker at the stationhouse, and did not know if any officer had access to his locker, except supervisors. He, however, did not know if any supervisor opened his locker and assigned his helmet to another officer, nor did he recognize or know the

officer depicted in the BWC footage wearing the helmet with PO Hiciano's current shield number.

The command log for DB GLD, the roll call for PSA 7, and the memo books for Det. Stewart and PO Hiciano all corroborate their testimonies that they were assigned to the Barclays Center and PSA 7 stationhouse, respectively, during the duration of their tours (Board Review 105 – Board Review 106). The MOS photos of Det. Stewart and PO Hiciano (Board Review 95) also do not match that of the officers depicted in the BWC footage (Board Review 84 – Board Review 85).

PO Julio Veras and PO John O'Neill, whose respective BWCs captured some of the allegations in this case, retired from the NYPD on February 2, 2021 and August 20, 2021, respectively, and were thus not interviewed (Board Review 107).

Allegation Recitation and Disposition

Allegation (A) Force: At East 136th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b)

Allegation (B) Force: At East 136th Street and Brook Avenue in the Bronx, an officer struck § 87(2)(b) with a baton.

Allegation (C) Force: At East 136th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b)

Allegation (D) Force: At East 136th Street and Brook Avenue in the Bronx, an officer struck § 87(2)(b) with a baton.

Allegation (E) Force: At East 136th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b)

Allegation (F) Abuse of Authority: At East 136th Street and Brook Avenue in the Bronx, an officer threatened to arrest § 87(2)(b)

Allegation (G) Abuse of Authority: At East 136th Street and Brook Avenue in the Bronx, an officer threatened to arrest individuals.

Allegation (H) Force: At East 136th Street and Brown Place in the Bronx, officers used physical force against § 87(2)(b)

The available evidence established that there were hundreds of officers from multiple commands at the scene of this incident. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) and § 87(2)(b) have been parties to one CCRB complaint, and have been named victims in two allegations (Board Review 108 – Board Review 109):
 - § 87(2)(b)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On November 12, 2021, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller, and the inquiry is still pending. The results will be added to the case file upon receipt (Board Review 110).
- According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) do not have any history of convictions in NYC (Board Review 111 – Board Review 112).

Squad: 1

Investigator:	<u>Enoch Sowah</u>	<u>INV. SOWAH</u>	<u>11/17/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Mgr. Joy Almeyda</u>	<u></u>	<u>11.17.21</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date